

**REMARKS**

Claims 1 and 24-29 are pending. Claims 1 and 24 are rejected. Claims 25-29 are objected to.

**Claim Rejection – 35 U.S.C. § 102**

Claim 24 is rejected by the Examiner under 35 U.S.C. 102(b) as being anticipated by Davis (4,886,690).

It is the Examiner's position that Davis teaches a peelable film comprising an impermeable portion and a permeable portion. The permeable portion (7) comprises:

|                    |              |
|--------------------|--------------|
| Sealant Layer (18) | VLDPE        |
| Core Layer (17)    | VLDPE or EVA |
| Optical Layer (16) | ULDPE        |

The impermeable section comprises a release layer containing EVOH 6 and barrier layer also comprising EVOH.

In view of Applicants cancellation of claim 24, this rejection is now rendered moot.

**Claim Rejections – 35 U.S.C. § 103**

Claims 1 and 24 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (4,886,690) in view of Kocher et al. (5,919,547).

It is the Examiner's position that Davis teaches a peelable film comprising an impermeable portion and a permeable portion. The permeable portion comprises:

|                    |              |
|--------------------|--------------|
| Sealant Layer (18) | VLDPE        |
| Core Layer (17)    | VLDPE or EVA |
| Optical Layer (16) | ULDPE        |

Application No. 10/694,267  
Office Action dated May 5, 2004  
Response to Office Action dated September 7, 2004

The impermeable section comprises a release layer containing EVOH and barrier layer also comprising EVOH.

It is also the Examiner's position that the essential difference between the claimed structure and that taught by Davis et al. is that Davis et al. is silent regarding the use of PET (polyethylene terephthalate) in the impermeable layer.

Kocher is cited by the Examiner to show the use of PET in barrier layer. A full discussion of Examiner's position regarding the combination of Davis and Kocher can be found in the non-final Office Action mailed May 5, 2004.

In view of Applicants' cancellation of claim 1 and 24, the above rejection is rendered moot.

### **Allowable Subject Matter**

Applicants note with appreciation that the Examiner has indicated that claims 25-29 are allowable. Applicants' have amended claim 25 by deleting the phrase "according to claim 24". Accordingly, claim 25 is, by this amendment, an independent claim. Therefore, Applicants' respectfully submit that claims 25-29 are now in allowable form.

In view of the foregoing remarks and amendments, Applicants respectfully submit that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If, however, any outstanding issues remain, Applicants urge the Patent Office to telephone Applicants' agent so that the same may be resolved and the application expedited to issue. Applicants request the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

Date: September 7, 2004

By: Joy Ann G. Serauskas  
Joy Ann G. Serauskas  
Registration No. 27,952  
MCDERMOTT WILL & EMERY LLP  
227 West Monroe STREET  
Chicago, IL 60606-5096  
312.372.2000